



# House of Representatives

General Assembly

**File No. 290**

*January Session, 2003*

House Bill No. 5258

*House of Representatives, April 10, 2003*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING PETITIONS FOR DISCHARGE OF MORTGAGES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 49-13 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (a) When the record title to real property is encumbered (1) by any  
5 undischarged mortgage, and (A) the mortgagor or those owning the  
6 mortgagor's interest therein have been in undisturbed possession of  
7 the property for at least six years after the expiration of the time  
8 limited in the mortgage for the full performance of the conditions  
9 thereof, and for six years next preceding the commencement of any  
10 action under this section, or (B) [when] the promissory note or other  
11 written evidence of the indebtedness secured by the mortgage is  
12 payable on demand and seventeen years have passed without any  
13 payment on account of such note or other written evidence of

14 indebtedness, or (C) [when] the mortgage does not disclose the time  
 15 when the note or indebtedness is payable or disclose the time for full  
 16 performance of the conditions of the mortgage and [seventeen] ten  
 17 years have passed without any payment on account of the promissory  
 18 note or other written evidence of indebtedness, or (D) [when] the note  
 19 or evidence of indebtedness has been paid or a bona fide offer and  
 20 tender of the payment has been made pursuant to section 49-8, or (E)  
 21 [when] the mortgage has become invalid, and in any of such cases no  
 22 release of the encumbrance to secure such note or evidence of  
 23 indebtedness has been given, or (2) by a foreclosed mortgage and the  
 24 mortgagor has made a bona fide offer and tender of payment of the  
 25 foreclosure judgment on or before the mortgagor's law day and the  
 26 mortgagee has refused to accept payment, or (3) by an attachment, lis  
 27 pendens or other lien which has become of no effect, the person  
 28 owning the property, or the equity in the property, may bring a  
 29 petition to the superior court [within] for the judicial district in which  
 30 the property is situated, setting forth the facts and claiming a judgment  
 31 as [hereinafter] provided in this section. The plaintiff may also claim in  
 32 the petition damages as set forth in section 49-8 [,] if the plaintiff is  
 33 aggrieved by the failure of the defendant to execute the release  
 34 [therein] prescribed in said section.

This act shall take effect as follows:	
Section 1	October 1, 2003

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than 1,000	Less than 1,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill could result in a revenue gain to the state from court fees by reducing the length of time a person must wait to petition the court to discharge a mortgage under certain circumstances.

**OLR Bill Analysis**

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***AN ACT CONCERNING PETITIONS FOR DISCHARGE OF MORTGAGES*****SUMMARY:**

This bill reduces the time frame for petitioning a court to discharge a mortgage under certain circumstances. It permits a property owner to petition for discharge of a mortgage that does not disclose the time when the note or indebtedness is payable, or disclose the time for full performance, if 10 years instead of 17 years have passed without any payment.

EFFECTIVE DATE: October 1, 2003

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 40      Nay 0